

-2 -

3. There is no suggestion in the references directing one toward the combination.

4. With respect, the Examiner appears to have misunderstood at least the Murayama and Bartsch references.

The Examiner states that White et al. "teach the conventionality of humidification of controlled atmospheres using a water mist producer for conditioning thereof" and states that claims 1-6 and 8-16 are obvious because of the conventionality of providing such means and "because of the recognized compatibility in a controlled, responsive system of mist production and scent release as demonstrated in Monte, Jr.".

Applicant respectfully disagrees with the Examiner's characterization of White et al. White is a simple humidification apparatus designed to avoid mist entering the outgoing air stream. This is in contrast to Applicant's invention which seeks to produce mist as part of microclimate simulation.

More specifically, the Examiner is directed to the first column of White, where it is made quite clear that a principal object of the White invention is to ensure that any mist generated internally in the device is not carried over into the air stream. Accordingly White is not "a water mist producer" and is incapable of "microclimate generation". Therefore no combination (obvious or otherwise) of White and Murayama would yield Applicant's claimed invention.

The Monte device is little more than an automatically actuated aerosol can for spraying water or scents at a vehicle operator to prevent them from nodding off. There is no teaching in Monte relating to microclimate simulation. Monte lacks a receiver for receiving a signal containing at least a substance component and a

-3 -

humidity component as in the present invention.

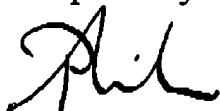
With respect, Applicant doesn't see any logical thread connecting the references cited by the Examiner. This is not a situation where one style of humidifier is being substituted for another in an apparatus which includes a humidifier. Instead, the art cited comprises a non-water mist producing humidifier, which makes no reference to scents, an automatically actuable spray can and an air conditioner scenting device, none of which have any elements in common. The Examiner nevertheless seems to be of the view that a person faced with the foregoing references would be led directly and without difficulty to create a device of the type claimed in the present application. Applicant respectfully requests that the Examiner reconsider the merits of her position with a view toward withdrawing the objection.

Applicant specifically dealt with the Bartsch reference in Applicant's December 20, 2004 response. In particular, Applicant discussed Bartsch at length commencing at about the middle of page 9 through the top of page 10 of Applicant's earlier response. The Examiner on page 3 of her response makes a characterization of the Bartsch et al. reference which appears to have been reproduced from her September 21, 2004 office action. The Examiner nevertheless states that Applicant's arguments have been considered but are moot in view of the new grounds of rejection. Should the Examiner disagree with Applicant's reasoning, Applicant would appreciate some indication of the comments having been considered by way of a rebuttal of Applicant's position. Should this have been an oversight, Applicant would appreciate the Examiner referring to Applicant's earlier comments.

-4 -

For all the reasons set out above Applicant respectfully submits that the application as amended is in condition for allowance and action toward that goal is respectfully requested.

Respectfully submitted,



Peter Milne
Registration No. 34,534

PM:mym

TOR_LAW\6004918\1